

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Thomas C. Garvin,) C/A 3:04-21768-DCN GCK
)
)
 Vs.)
)
)
 O R D E R
Jo Anne B. Barnhart,)
Commissioner of Social)
Security,)
 Defendant.)

Defendant, Jo Anne B. Barnhart, Commissioner of Social Security, by her undersigned attorneys, Jonathan S. Gasser, Acting United States Attorney, for the District of South Carolina, and George J. Conits, Assistant United States Attorney for said district, has moved this Court, pursuant to 42 U.S.C. §405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this Court hereby:

REVERSES the Commissioner's decision under

sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings.¹ See Shalala vs. Schaefer, 509 U.S. 292, 297, (1993).

AND IT IS SO ORDERED.


George C. Kosko
United States Magistrate Judge

May 11, 2005

Charleston, South Carolina

ON MOTION OF:

WITH CONSENT OF:

JONATHAN S. GASSER
United States Attorney

By:s/George J. Conits
George J. Conits (I.D. #234)
Assistant U.S. Attorney
Attorneys for Defendant

S/W. Daniel Mayes
W. Daniel Mayes
Attorney for Plaintiff

¹ The Clerk of Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.